

**DENTISTRY EXAMINING BOARD  
MINUTES  
MARCH 3, 2010**

- PRESENT:** Lori Barbeau, DDS; Linda Bohacek, RDH; Blane Christman, DDS; John Grignon, DDS; Carol Howard; Adriana Jaramillo, DDS; Sandra Linhart, RDH; Kirk Ritchie, DDS; Nancy Rublee, RDH; Tim Size; William Stempski, DDS
- STAFF:** Gail Sumi, Bureau Director; Michael Berndt, Legal Counsel; Karen Rude-Evans, Bureau Assistant
- GUESTS:** Dylan Thomas, Christman Dental; Melissa Deyo, Jennifer Kreider, Sharon Crowe, Nicole Guyette and, Debbie Schumacher, WDHA; Gene Shoemaker, Mark Paget and Mara Brooks, WDA; Aleksandr Kladnitsky, WPHCA; Lori Pelke, Midwest Dental; Matt Crespin, Children's Health Alliance of WI; Stan Brysh, Meriter Hospital

**CALL TO ORDER**

Chair Lori Barbeau called the meeting to order at 8:39 a.m. A quorum of eleven (11) members was confirmed.

**PLEDGE OF ALLEGIANCE**

The Board members, staff and guests rose and recited the Pledge of Allegiance.

**ANNOUNCEMENTS**

Lori Barbeau welcomed new public Board member, Tim Size. He gave a brief history of his background. Dr. Barbeau also introduced Gail Sumi as the new Bureau Director, as Tom Ryan is now working with the Medical Examining Board. There will also be a change in legal counsel for the next meeting.

**APPROVAL OF AGENDA**

**Amendments to the agenda:**

- Item "B" (Open Session) APPROVAL OF MINUTES – Correct date to read January 6, 2010
- Item "C" (Open Session) under ADMINISTRATIVE REPORT-
  - insert Administrative Rules Report after page 16
  - John Lease, Division Administrator, is not available to meet with the Board

- On page 1 of the agenda (Open Session) – Remove “Presentation of Proposed Decision and Order in the Matter of Disciplinary Proceedings against Walter M. Lucas, III”
- Open Session – Presentation of Proposed Decision and Order in the Matter of Disciplinary Proceedings against Bradley R. Byce, DDS, 08 DEN 099
- After Item “L” (Closed Session) – Under MONITORING, insert Robert Pultz, DDS, Request for Modification, after page 206
- After Item “O” (Closed Session) - Insert after page 256, Deliberation of Decision and Order in the Matter of Disciplinary Proceedings against Bradley R. Byce, DDS, 08 DEN 099

**MOTION:** Nancy Rublee moved, seconded by Sandra Linhart, to approve the agenda as amended. Motion carried unanimously.

### **APPROVAL OF MINUTES OF JANUARY 6, 2010**

#### **Corrections to the minutes:**

- On page 2, under CORRECTIONS TO THE MINUTES, in the sixth bullet, correct spelling from “CANANDIAN” to “CANADIAN”
- On page 4, under DENTISTRY BOARD WHITE PAPER..., change the first sentence to read “The Board reviewed the white paper on recordkeeping and the American Association of Dental Boards (formerly known as the AADE)... In the second sentence, delete “AADE” and insert “AADB”

**MOTION:** Linda Bohacek moved, seconded by John Grignon, to approve the minutes of January 6, 2010 as corrected. Motion carried unanimously.

### **PRESENTATION OF PROPOSED STIPULATION**

#### **BRADLEY R BYCE, DDS**

DOE Attorney Jack Zwieg presented a Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Bradley R. Byce, DDS. This matter will be deliberated in closed session.

### **ADMINISTRATIVE REPORT**

#### **DRL Staff Updates**

New Legal Counsel, Michele Miller Hayes, will begin on March 15 and she will be at the next Board meeting. Charles Facktor is a new attorney supervisor in DOE and Teresa

Pickens is the Credentialing staff person who processes the dentist and dental hygiene applications.

### **Process to Review DRL website pages relevant to the Dentistry Examining Board**

The new DRL website went live on February 1, 2010. DRL wants to ensure that the information for all boards is current and accurate. Linda Bohacek and John Grignon will review the website content and contact Gail Sumi with any comments or concerns.

### **IPP (Impaired Professional Procedure) Update**

Michael Berndt reported that a scope statement is done and the IPP advisory group will be meeting next week to begin rule writing.

### **Resignation**

Carol Howard has submitted her resignation effective after the July Board meeting. This will create a vacancy for a public member.

### **UPDATE ON THE DENTAL EDUCATION FEASIBILITY STUDY ADVISORY COMMITTEE**

Lori Barbeau was unable to attend the February 4, 2010 meeting, but did receive the correspondence and the PowerPoint presentation. The last meeting will be held on March 22, which is when the final report is due. Tim Size is also on the Committee.

### **REVIEW OF CORRESPONDENCE AND CONSIDERATION OF POSSIBLE FURTHER ACTION RELATED TO DENTISTS ADMINISTERING VACCINES INCLUDING THE POSSIBILITY OF APPOINTING A BOARD LIAISON TO WORK WITH THE WDA**

Mara Brooks, WDA, provided a list of states where dentists are permitted to administer vaccines. Blane Christman volunteered to be the Board's liaison to work with the WDA on this issue. A question arose as to whether or not dental hygienists would be included in the administration of vaccines.

### **DEFINITION OF DENTISTRY AND SPECIALTY LICENSING REPORT AND COMMITTEE RECOMMENDATIONS**

**MOTION:** Linda Bohacek moved, seconded by Nancy Rublee, to insert "dental" before "hygiene" in recommendation #2. Motion carried unanimously.

Recommendation #2 now reads:

***A dental hygienist may practice dental hygiene or perform remediable procedures only as a volunteer, an employee, or as an independent contractor.***

The Board discussed at length recommendations #3 and #4 and was unable to come to a consensus at this time.

Lori Barbeau appointed herself, Adriana Jaramillo, Tim Size and Linda Bohacek to a committee to review the recommendations for aligning the Wisconsin Statutes with the ADA Accreditation standards and the parameters of dental hygiene practice. The committee will report back to the full Board at a future meeting.

### **STATUS UPDATE ON CONTINUING EDUCATION RULE DRAFTING**

Lori Barbeau reported on the status of the continuing education rule drafting. The text of the rules differs for dentists and dental hygienists. These discrepancies need to be addressed and Dr. Barbeau will work with legal counsel to draft the rules.

### **PRACTICE QUESTIONS AND FREQUENTLY ASKED QUESTIONS REVIEW PROJECT**

The Board reviewed answers to recently received practice questions. Legal counsel will review the boards' responses to practice questions and bring them back to the next meeting. The Board will review practice questions at each meeting and the most frequently asked questions will be posted on the DRL website.

### **VARIOUS PROVISIONS RELATING TO LICENSING OF DENTISTS**

There were no updates at this time.

### **CRDTS REPORT**

#### **Name Change**

The official name has been changed from "CRDTS Dental and Dental Hygiene Examinations" to "CRDTS, A National Dental and Dental Hygiene Licensure Examination."

#### **Consideration of Attendance to the 2010 CRDTS Annual Meeting, Hilton Kansas City Airport, August 26-28, 2010**

The Board members have not personally received any information on the 2010 CRDTS Annual Meeting. This will be reviewed at the next meeting.

### **Consideration of CRDTS ERC Dentists Appointments**

Tom Ryan had previously supplied a list of possible dental candidates to serve on the CRDTS ERC. This individual should be an active examiner.

**MOTION:** Blane Christman moved, seconded by Nancy Rublee, to have DRL contact Dr. Karen Jahimiak to ask her to serve as the Wisconsin representative on the CRDTS ERC. Motion carried unanimously.

### **ADEX REPORT**

No report at this time.

### **LEGISLATIVE REPORT – BLANE CHRISTMAN**

There was nothing to report at this time.

### **REVIEW AND DISCUSSION OF CHAPTER 447, WIS STAT., AS RELATED TO DENTAL HYGIENE EXAMINATIONS**

The Board reviewed and discussed Chapter 447, Wis Stat., with legal counsel. The Board directed legal counsel to review former orders and report back at a future meeting.

### **PRACTICE QUESTIONS RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA**

The Board reviewed practice questions with legal counsel. The practice questions will be posted to the DRL website.

### **CONSIDERATION OF STANDING BOARD ORDER AUTHORIZATION TO ALLOW THE SITTING CHAIR OF THE BOARD TO SPEAK TO THE WDA IF REQUESTED**

**MOTION:** Adriana Jaramillo moved, seconded by Carol Howard, to authorize the sitting Board Chair, or the Chair's designee, to speak at the WDA or other organizations and provide a report and any documents to the Board. Motion carried unanimously.

### **INFORMATIONAL ITEMS**

The Board noted the WDA workforce survey results.

### **PUBLIC COMMENTS**

None.

## **CLOSED SESSION**

**MOTION:** Carol Howard moved, seconded by Adriana Jaramillo, to convene to Closed Session to deliberate on cases following hearing (Wis. Stat. § 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and, to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Motion carried by roll call vote: Lori Barbeau-yes; Linda Bohacek-yes; Blane Christman-yes; John Grignon-yes; Carol Howard-yes; Adriana Jaramillo-yes; Sandra Linhart-yes; Kirk Ritchie-yes; Nancy Rublee-yes; Tim Size-yes; William Stempski-yes. Motion carried unanimously.

Open Session recessed at 1:04 p.m.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Linda Bohacek moved, seconded by John Grignon, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 3:09p.m.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED IN CLOSED SESSION**

### **CONTINUING EDUCATION WAIVER REQUEST – B.G., DDS**

**MOTION:** Linda Bohacek moved, seconded by Nancy Rublee, to have DRL contact the licensee to obtain the following information:

- What hardship occurred during 2007-2009? Medical documentation is required.
- What is their current practice schedule (hours per week)?
- What efforts have been made to obtain CE? Proof of such is required.

Motion carried unanimously.

## **PROPOSED DECISIONS**

### **MAURISA CORAN, RDH (LS 0901211 DEN)**

**MOTION:** Adriana Jaramillo moved, seconded by Nancy Rublee, to adopt the Proposed Decision and Order and to uphold the ALJ's decision to indefinitely suspend the license in the disciplinary proceedings against Maurisa Coran, RDH. Motion carried. Kirk Ritchie, Sandra Linhart and William Stempski were excused during deliberations

and abstained from voting. Legal Counsel Michael Berndt was also excused during deliberations.

**WALTER M LUCAS, III, DDS  
(LS 0909242 DEN)**

**MOTION:** Tim Size moved, seconded by Adriana Jaramillo, to adopt the Proposed Decision and Order in the disciplinary proceedings against Walter M. Lucas, III, DDS. Motion carried. Carol Howard and John Grignon abstained.

**MONITORING**

**ROBERT PULTZ, DDS**

**MOTION:** Linda Bohacek moved, seconded by Nancy Rublee, to approve the request for a reduction of screens from 72 to 28 per year and to require at least one hair test per year for Robert Pultz, DDS. Motion carried unanimously.

**CASE CLOSINGS**

**07 DEN 104**

**MOTION:** Linda Bohacek moved, seconded by John Grignon, to close case **07 DEN 104** for prosecutorial discretion. Motion carried unanimously.

**07 DEN 031**

**MOTION:** Linda Bohacek moved, seconded by Carol Howard, to close case **07 DEN 031** for no violation. Motion carried unanimously.

**07 DEN 048**

**MOTION:** Linda Bohacek moved, seconded by Adriana Jaramillo, to close case **07 DEN 048** for no violation. Motion carried unanimously.

**06 DEN 074**

**MOTION:** Linda Bohacek moved, seconded by John Grignon, to close case **06 DEN 074** for insufficient evidence. Motion carried unanimously.

**09 DEN 131**

**MOTION:** Linda Bohacek moved, seconded by Adriana Jaramillo, to close case **09 DEN 131** for no violation. Motion carried. Lori Barbeau abstained.

**APPLICATION REVIEW**

**PAUL S PETRUNGARO, DDS**

**MOTION:** Adriana Jaramillo moved, seconded by Carol Howard, to table the decision regarding the application of Paul S. Petrungaro, DDS, until further information is received, and to have Gail Sumi write a letter to Dr. Petrungaro. Motion carried unanimously.

**PROPOSED STIPULATION**

**BRADLEY ROBERT BYCE, DDS**

**MOTION:** Adriana Jaramillo moved, seconded by William Stempski, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter regarding Bradley Robert Byce, DDS. Motion carried unanimously.

**ADMINISTRATIVE WARNING**

**009 DEN 113**

**MOTION:** Nancy Rublee moved, seconded by Carol Howard, to issue an administrative warning in case **09 DEN 113**. Motion carried. Blane Christman abstained.

**ADJOURNMENT**

**MOTION:** John Grignon moved, seconded by Adriana Jaramillo, to adjourn. Motion carried unanimously.

The meeting adjourned at 3:18p.m.